

RECEIVED
CENTRAL FAX CENTER

SEP 26 2007

Remarks

Applicants wish to thank the Examiner for the careful consideration given this case. Claims 6-14 are pending in this application. Claims 6, and 8-14 have been amended. Claims 1-5 and 15-19 have been cancelled. Support for all amendments can be found in the Specification as originally filed, specifically at page 19, lines 6 through 10. Now new matter has been added.

Double Patenting Rejections

Claims 1, 3, 6 and 9 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over U.S. Patent No. 6,780,939 to Guerin et al. Applicants herein submit a Terminal Disclaimer and according request withdrawal of this ground of rejection.

Claims 1 and 3 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over U.S. Patent No. 7,105,606 to Guerin et al. Applicants herein submit a Terminal Disclaimer and according request withdrawal of this ground of rejection.

Claims 1, 3-5 and 15 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-7 and 9 of copending Application No. 10/684,867. Claims 1, 3-5 and 15 have been cancelled and accordingly render this provisional rejection moot.

Claims 1, 3, 6 and 9 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over copending Application No. 10/878,080. Applicants herein submit until allowable subject matter is identified in either the pending Application or the copending Application it is premature to file a terminal disclaimer in view of the copending Application to obviate the double patenting rejection. See MPEP Section 804.

And Claims 1-5 and 15 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 12, 13 and 15 of copending Application No. 10/926,532. Claims 1-5 and 15 have been cancelled and accordingly render this provisional rejection moot.

PO-8040

4

RECEIVED
CENTRAL FAX CENTER

SEP 26 2007

Rejection under 35 U.S.C. § 102

1. Claims 1, 3, 6, 7, 9, 12-14 and 16-18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,780,939 to Guerin et al. (hereinafter "Guerin"). Applicants traverse this ground of rejection.

It is well settled that in order for a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in prior art. The disclosure requirement under 35 USC § 102 presupposes knowledge of one skilled in the art of the claimed invention, but such presumed knowledge does not grant license to read into prior art reference teachings that are not there. *See Motorola Inc. v. Interdigital Technology Corp.* 43 USPQ2d 1481 (1997 CAFC).

Guerin discloses a hydrogenated nitrile rubber having a molecular weight in the range of from 30,000 to 250,000 g/mol, a Mooney viscosity in the range of from 3 to 50 and a MWD of less than 2.5. Guerin further discloses the use of such nitrile rubber form the manufacture of shaped articles generally. For example, Guerin broadly teaches the use of such rubber in the manufacture of a seal, hose, bearing pad, stator, well head seal, etc. See Column 3, lines 26-31. Guerin does not disclose any further structural feature of such shaped articles.

In the alternative, the pending claims are directed to a self-supporting shaped article comprising an adhesive polymer composite layered on or interposed between one or more supporting means. According to the pending claims the adhesive polymer composite comprises at least one optionally hydrogenated nitrile rubber polymer. Applicants submit Guerin fails to disclose the self-supporting shaped article comprising an adhesive polymer composite as claimed in the present invention, i.e. layered or interposed between one or more supporting means with sufficient clarity. Rather, Guerin merely broadly discloses the use of a polymer in the manufacture of a shaped article. Accordingly, Guerin fails to anticipate the amended claims. Reconsideration and withdrawal of the Examiner's rejection is respectfully requested.

2. Claims 1, 3-7, 9-18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,105,606 to Ong et al. (hereinafter "Ong") Applicants

traverse this ground of rejection and incorporate the above comments on the legal standard to anticipate a claim.

Ong discloses a polymer blend containing at least one nitrile rubber having a Mooney viscosity below 10 and at least one nitrile rubber polymer having a Mooney viscosity above 30, wherein the polymer blend has a multi-modal molecular weight distribution. Ong further discloses the use of such nitrile rubber from the manufacture of shaped articles generally. For example, Ong broadly teaches the use of such rubber in the manufacture of a seal, hose, bearing pad, stator, well head seal, etc prepared by injection molding technology. See Column 10, lines 60-68. Ong does not disclose any further structural feature of such shaped articles.

In the alternative, the pending claims are directed to a self-supporting shaped article comprising an adhesive polymer composite layered on or interposed between one or more supporting means. According to the pending claims the adhesive polymer composite comprises at least one optionally hydrogenated nitrile rubber polymer. Applicants submit Ong, similar to Guerin, fails to disclose the self-supporting shaped article comprising an adhesive polymer composite as claimed in the present invention, i.e. layered or interposed between one or more supporting means. Accordingly, Ong fails to anticipate the amended claims with sufficient clarity. Reconsideration and withdrawal of the Examiner's rejection is respectfully requested.

3. Claims 1, 3-7 and 9-18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by US Patent Application Publication No. 2004/0113320 to Guerin et al. (hereinafter "Guerin"). Applicants traverse this ground of rejection and incorporate the above comments on the legal standard to anticipate a claim.

Guerin discloses a polymer composites comprising at least one optionally hydrogenated nitrile rubber polymer having a Mooney viscosity below 30, at least one filler and optionally at least one crosslinking agent. Guerin further discloses the use of such nitrile rubber from the manufacture of shaped articles generally. For example, Guerin broadly teaches the use of such rubber in the manufacture of a seal, hose, bearing pad, stator, well head seal, etc. See Paragraphs 0009 and 0075. Guerin does not disclose any further structural feature of such shaped articles with any clarity.

SEP 26 2007

Rather, Guerin discloses the broad use of a polymer in the manufacture of a shaped article.

In the alternative, the pending claims are directed to a self-supporting shaped article comprising an adhesive polymer composite layered on or interposed between one or more supporting means. According to the pending claims the adhesive polymer composite comprises at least one optionally hydrogenated nitrile rubber polymer. Applicants submit Guerin fails to disclose the self-supporting shaped article comprising an adhesive polymer composite as claimed in the present invention, i.e. layered or interposed between one or more supporting means. Accordingly, Guerin fails to anticipate the amended claims. Reconsideration and withdrawal of the Examiner's rejection is respectfully requested.

Rejection under 35 U.S.C. § 103

Claims 1, 4-7, 10-13 and 15-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,683,819 to Mori et al. (hereinafter "Mori"). Applicants traverse this ground of rejection and incorporate their previous comments submitted regarding Mori.

The claims as amended are directed to a self-supporting shaped article comprising an adhesive polymer composite layered on or interposed between one or more supporting means. According to the pending claims the adhesive polymer composite comprises at least one optionally hydrogenated nitrile rubber polymer.

Mori does not teach or suggest the claimed article having an adhesive polymer comprising at least one optionally hydrogenated nitrile rubber polymer layered on or interposed between one or more supporting means. In the alternative, Mori discloses a highly saturated nitrile rubber with fiber used to manufacture a belt. As noted in the Office Action, the composite of Mori exhibits good adhesion upon undergoing sulfur vulcanization thereby providing enhanced bond strength and mechanical strength making it particular useful as a power transmitting or conveyor belt.

In the alternative, the present invention adhesive polymer composite containing the optionally hydrogenated polymer is layered on or interposed between one or more

PO-8040

7

supporting means. The adhesive composite of the present invention, for illustrative purposes, is applied to a primed surface of a suitable supporting means. Mori merely discloses the use of a polymer in a reinforced mixture that can be formed into a belt. Mori does not teach or suggest layering or interposing an adhesive between one or more supporting means.

Applicants submit Mori fails to render the presently claimed invention obvious and Applicants further submit there is no disclosure or teaching in Mori which would motivate one skilled in the art to prepare a self-supporting article as claimed.

Claims 8 and 19 stand rejected under 35 USC § 103(a) as being unpatentable over Guerin, Ong or Guerin '320 in view of U.S. Patent Application Publication No. 2003/0171500 to Guo (hereinafter "Guo"). Applicants traverse this ground of rejection and incorporate their preceding comments.

As discussed above, neither Guerin, Ong or Guerin '320 teach or suggest the present invention, namely the detailed claimed self-supporting article. Applicants further submit the teachings of Guo do not overcome the deficiencies of the primary cited references.

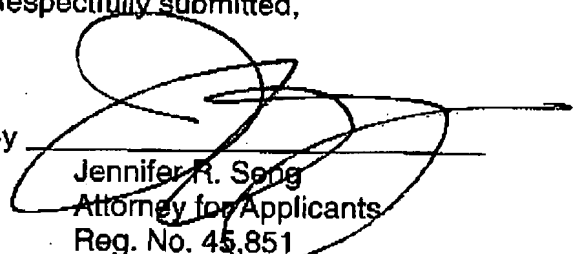
Guo discloses a hydrogenated carboxylated NBR (HXNBR). Guo further disclosed that HXNBR may be used in the manufacture of shaped articles, such as seals, belts and hoses. See Paragraph 0032. Despite the generalization by the Examiner, Guo does not suggest to use HXNBR as a tape. Rather, due to its abrasion resistance, Guo discloses the use of HXNBR in high hardness roll applications. Applicants further submit, even if Guo disclosed the use of HXNBR as an adhesive polymer, neither the primary references of Guo teach or suggest layering or interposing the claimed composite between one or more supporting means. Further, Guo provides no motivation to substitute HXNBR for the hydrogenated polymers in the cited primary references. For at least these reasons, Applicants submit the cited references fail to render the present invention obvious.

It is respectfully submitted that the instant application is presently in condition for allowance. Notice to the effect is earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

The USPTO is hereby authorized to charge any fees for an extension of time or those under 37 C.F.R. 1.16 or 1.17, which may be required by this paper, including Terminal Disclaimers, and/or to credit any overpayments to Deposit Account No. 50-2527.

Respectfully submitted,

By



Jennifer R. Song
Attorney for Applicants
Reg. No. 45,851

LANXESS Corporation
Law & Intellectual Property Department
111 RIDC Park West Drive
Pittsburgh, Pennsylvania 15275-1112
(412) 809-2233
FACSIMILE PHONE NUMBER:
(412) 809-1054

\\sr\S:\Law Shared\SHARED\URS\PATENTS\8040\Response and Amendment 9-26-07.DOC